

## Message Text

SECRET

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46

ACTION DLOS-03

INFO OCT-01 SS-14 ISO-00 ARA-06 SSO-00 IO-03 COME-00 EB-03

OFA-01 CIAE-00 OES-02 L-01 SP-02 NSC-05 NSCE-00 OMB-01

INR-05 INRE-00 SAL-01 DODE-00 PRS-01 PM-03 H-01 /053 W

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O R 041622Z FEB 76

FM AMEMBASSY QUITO

TO SECSTATE WASHDC IMMEDIATE 8913

INFO AMEMBASSY LIMA

AMEMBASSY MEXICO

AMEMBASSY SANTIAGO

USMISSION GENEVA

USUN NEW YORK

S E C R E T QUITO 1003

LIMDIS

FOR DEPUTY SECRETARY INGERSOLL, UNDER SECRETARY MAW, ASSISTANT  
SECRETARY ROGERS AND AMBASSADOR LEARSON. FROM MOORE AND RIDGWAY.

DEPARTMENT PASS COMMERCE FOR HOWARD POLLOCK AND D/LOS FOR HULL.

USMISSION GENEVA PLEASE PASS LOS TEAM.

E.O. 11652: GDS

TAGS: PLOS EFIS EC

SUBJECT: LOS TUNA TALKS WITH ECUADOR

1. SUMMARY: TEAM HEADED BY AMBASSADORS JOHN NORTON MOORE AND  
ROZANNE RIDGWAY PAID CALL ON ACTING FONMIN AYALA AND THEN MET  
FOR TWO DAYS OF PERSONAL AND INFORMAL DISCUSSIONS WITH  
ECUADOREAN TEAM HEADED BY AMBASSADORS GARCIA VELASCO AND  
BUSTAMANTE TO DISCUSS ARTICLE 53 OF SNT (TUNA) AND A NEW  
REGIONAL AGREEMENT FLOWING FROM IT. IN SHIFT OF POSITION  
ECUADOREANS INDICATED THEY SAW EARLY CONCLUSION OF NEW  
REGIONAL AGREEMENT ON TUNA FLOWING FROM ARTICLE 53 OF

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SINGLE NEGOTIATING TEXT AS WAY OF RESOLVING LONG-STANDING

DISPUTE IN REGION WITHOUT NECESSITY OF WORKING FOR COMING INTO FORCE OF LOS TREATY. TEAM ALSO REACHED SUBSTANTIAL AGREEMENT ON PRECISE TEXT OF ARTICLE 53 (TUNA). ONLY REMAINING DIFFERENCES ON TEXT WERE ON PARAGRAPHS RELATED TO COASTAL STATE PREFERENCE AND UNIFORM FEES BASED ON FISH CAUGHT WITHIN 200 MILE AREA. END SUMMARY

2. PURPOSE OF TRIP WAS TO SEE WHETHER IT WOULD BE POSSIBLE TO REACH PRE-AGREEMENT WITH ECUADOR ON TEXT OF TUNA ARTICLE (ART. 53) IN PREPARATION FOR NEXT MEETING OF CONCERNED STATES IN NEW YORK BEGINNING MARCH 8 AND TO CONTINUE TO BRING ECUADOREANS ALONG ON SCENARIO FOR RESOLVING LONG-STANDING DISPUTE: THAT IS, FIRST AGREEMENT ON ARTICLE 53 OF THE SINGLE NEGOTIATING TEXT FOLLOWED BY AGREEMENT ON A NEW REGIONAL ORGANIZATION ON TUNA TO GO INTO EFFECT AS SOON AS POSSIBLE WITHOUT WAITING FOR CONCLUSION AND ENTRY INTO EFFECT OF LOS TREATY. TIMETABLE SUGGESTED WAS AGREEMENT ON ARTICLE 53 AT OR BEFORE MARCH SESSION OF LOS CONFERENCE FOLLOWED BY MEXICAN PLENIPOTENTIARY CONFERENCE ON NEW REGIONAL AGREEMENT IN JUNE OR SEPTEMBER.

3. IN MAJOR REVERSAL OF POSITION ECUADOREAN TEAM CLEARLY INDICATED ACCEPTANCE OF THIS FORMAT AND THEIR WILLINGNESS TO PROCEED TO EARLY CONCLUSION OF NEW REGIONAL AGREEMENT TO RESOLVE DISPUTE EVEN PRIOR TO COMING INTO EFFECT OF LOS TREATY. THEY INDICATED WILLINGNESS TO PROCEED TO NEW REGIONAL AGREEMENT AS SOON AS GENERAL CONSENSUS REACHED ON TEXT OF ARTICLE 53 IN LOS NEGOTIATIONS AND RELATED ARTICLES IN CTE. II TEXT (E.G. 50, 51, 52) AND THEY CLEARLY HAD IN MIND CONSENSUS SHOULD BE REACHED AT UP-COMING MARCH MEETING. SUB-SECRETARY AYALA SEEMS TO BE CALLING THE SHOTS AND SEEMS CONVINCED OF PRESENT SCENARIO FOR FINALLY RESOLVING DISPUTE.

4. TALKS ON SUBSTANCE OF ARTICLE 53 WERE MOST PRODUCTIVE

AND CORDIAL TO DATE. WORKING FROM GALINDO-POHL NEW YORK TEXT AND RECENT MEXICAN UNDERSTANDING AGREEMENT WAS  
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REACHED ON PRECISE LANGUAGE OF ALL PARAGRAPHS BUT PORTIONS OF THOSE RELATING TO COASTAL STATE PREFERENCE AND UNIFORM FEES. ONLY REAL DIFFERENCES WERE ECUADOREAN DESIRE FOR SOME LANGUAGE IN PREFERENCE PARAGRAPH IMPLYING AN OBLIGATION TO ASSIST DEVELOPING COASTAL STATES TO INCREASE THEIR HARVESTING CAPACITY AND THEIR DIFFICULTY IN ACCEPTING UNIFORM FEES BASED ON FISH CAUGHT RATHER THAN TONNAGE OR CAPACITY OF VESSELS AS PER PRESENT PRACTICE.

ON BOTH POINTS (PREFERENCE AND FEES) IT WAS AGREED WE WOULD CONTINUE TO FINALIZE AGREEMENT PRIOR TO NEW YORK MEETING.

5. PROCEDURALLY ECUADOREANS WERE COOPERATIVE IN INDICATING THEY WOULD COORDINATE NEW TEXT WITH CHILE AND PERU AND POSSIBLY EVEN COSTA RICA AND PANAMA PRIOR TO NEW YORK TALKS AND THEY WOULD ENCOURAGE GALINDO-POHL TO ISSUE INVITATIONS TO TALKS.

6. DURING FIRST MEETING WITH SUB-SECRETARY AYALA HE MADE RESTRAINED DEMARCHE AGAINST RETALIATORY PROVISIONS OF 200 MILE FISHING BILL RELATING TO TUNA AND INDICATED THAT COERCIVE PROVISIONS OF BILL COULD INTERFERE WITH PRESENT CONSTRUCTIVE PROGRESS TOWARD RESOLUTION OF LONG-STANDING REGIONAL DISPUTE.

7. WITH RESPECT TO OPERATION OF COASTAL STATE PREFERENCE, US TEAM EXPLORED ON PERSONAL BASIS FORMULAS THEY COULD ACCEPT WITH RESPECT TO A PREFERENCE, INDICATING ONE WAS MEXICAN IN WHICH UPPER LIMIT WAS BASED ON AVERAGE OF FISH CAUGHT WITHIN EACH ECONOMIC ZONE USING A THREE OR FIVE YEAR MOVING AVERAGE. THIS SEEMED ACCEPTABLE TO ECUADOREANS WHO EXPLICITLY INDICATED THEY HAD IN MIND A REDUCTION BUT NOT PHASE OUT OF US ALLOCATION.

8. TEXT OF INFORMAL UNDERSTANDING ON ARTICLE 53 FOLLOWS SEPTTEL.

9. COMMENT: TUNA INITIATIVE WITH ECUADOR IS ON TRACK. ECUADOREANS UNDER LEADERSHIP OF AYALA SEEM GENUINELY COMMITTED TO EARLY RESOLUTION OF LONG-STANDING DISPUTE BASED ON REACHING AGREEMENT ON ARTICLE 53 FOLLOWED BY A SECRET

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NEW REGIONAL AGREEMENT AT EARLIEST POSSIBLE TIME. DIFFERENCES REMAINING ON SUBSTANCE IN THIS REGION ARE NARROWING SUBSTANTIALY. IT IS IMPERATIVE, HOWEVER, THAT RETALIATORY PROVISIONS OF 200 MILE BILL NOT BE PERMITTED TO SOUR INITIATIVE. BREWSTER

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## Message Attributes

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